

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

RANDY SCOTT CAIN,)

Plaintiff,)

v.)

Case No. CV412-286

EFFINGHAM BOARD OF)

COMMISSIONERS, JIMMY)

MCDUFFIE, DEPUTY G.)

EDWARDS, DEPUTY DANIEL)

CHEEK, DEPUTY DARRELL E.)

TANNEHILL, and DEPUTY)

LEE WITT,)

Defendants.)

REPORT AND RECOMMENDATION

On July 8, 2013, the Court ordered 42 U.S.C. § 1983 plaintiff Randy Scott Cain to show cause within 14 days why his case should not be dismissed for failing to serve defendants within 120 days, as Fed. R. Civ. P. 4(m) commands. (Doc. 4.) Cain, who is represented by counsel, has failed to comply. Accordingly, plaintiff's complaint should be **DISMISSED** without prejudice for his failure to prosecute this action, and for failing to respond to an order of this Court. S.D. Ga. LR 41(b); see *Link v. Wabash Railroad Co.*, 370 U.S. 626, 630-31 (1962) (courts have the inherent authority to dismiss claims for lack of prosecution); *Mingo v. Sugar Cane*

Growers Co-op, 864 F.2d 101, 102 (11th Cir. 1989); *Jones v. Graham*, 709 F.2d 1457, 1458 (11th Cir. 1983); *Floyd v. United States*, No. CV491-277 (S.D. Ga. June 10, 1992).

SO REPORTED AND RECOMMENDED this 27th day of August, 2013.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA